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7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9 WESTERN DIVISION
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11) No. CV 04- (VBK)
12)
13 Plaintiff,) STANDING ORDER
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15 v.)
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1 This action has been assigned to the calendar of Judge Victor B.
2 Kenton.

3 Both the Court and the attorneys bear responsibility for the
4 progress of litigation in the Federal Courts. This order applies to all
5 parties including those appearing pro se. To secure the just, speedy,
6 and inexpensive determination of every action, F.R.Civ.P. 1, all counsel
7 are ordered to familiarize themselves with the Federal Rules of Civil
8 Procedure and the Local Rules of the Central District of California.¹

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1 **IT IS FURTHER ORDERED:**

2 **1. Service of the Complaint:** The Plaintiff shall promptly serve
3 the Complaint in accordance with F.R.Civ.P. 4 and file the proofs of
4 service pursuant to Local Rule 5-3.1.

5 **2. Removed Actions:** Any answers filed in state court must be
6 attached to the Notice of Removal. Any pending motions must be re-
7 noticed as required by Local Rule 7.

8 **3. Presence of Lead Counsel:** Lead trial counsel shall attend any
9 proceeding before this Court, including all status conferences, as well
10 as settlement conferences.

11 **4. Rule 26(f) Meeting of Counsel:** Counsel for the parties shall
12 meet personally pursuant to FRCP 26(f) and applicable Local Rules in
13 anticipation of the court-ordered scheduling conference. FRCP 16(b).

14 **5. Joint Report of Rule 26(f) Meeting:** No later than fifteen (15)
15 court days before the Scheduling Conference, counsel shall file a Joint
16 Report of Rule 26(f) Meeting. **A conformed courtesy copy** of the Joint
17 Report shall be delivered to Judge Kenton's chambers on the Ninth Floor
18 of the U.S. Courthouse, 312 North Spring Street, Los Angeles,
19 California, **by 4:00 p.m. on the date due.** A Joint Report which is not
20 timely filed or does not conform with this Order, FRCP 26(f), and
21 applicable Local Rules will interfere with preparation by the Court and
22 its staff, and may result in delays and/or the assessment of sanctions.

23

24 following:

25 Los Angeles Daily Journal
26 915 East 1st Street
Los Angeles, CA 90012

West Group
610 Opperman Drive
Post Office Box 64526
St. Paul, MN 55164-0526

27 Metropolitan News
28 210 South Spring Street
Los Angeles, CA 90012

1 The Joint Rule 26(f) Report shall address the matters set forth in
2 FRCP 26(f) (some of which are enumerated below), and shall also contain
3 the following:

- 4 (a) A brief statement by each party, not to exceed one (1) page,
5 setting forth that party's factual summary of the case,
6 including the basis for any claims, counterclaims, or
7 defenses.
- 8 (b) The basis for the Court's subject-matter jurisdiction.
- 9 (c) A brief description of the key legal issues.
- 10 (d) The realistic range of probable damages.
- 11 (e) The likelihood of appearance of additional parties.
- 12 (f) Whether all or part of the procedures of the Manual for
13 Complex Litigation should be utilized.
- 14 (g) A proposed discovery cut-off date. Note: this means the final
15 day for completion of discovery, including resolution of all
16 discovery motions.
- 17 (h) What motions (other than discovery motions) are contemplated.
- 18 (i) Prospects of settlement based on counsel's discussion at the
19 Rule 26(f) meeting and any other communications.
- 20 (j) Whether the trial will be a court or jury trial.
- 21 (k) The estimated length of trial.
- 22 (l) The name of the attorney(s) who will try the case.

23
24 **6. Mandatory Settlement Procedure:**

25 a. **ADR Pilot Program:** This Court is part of the Alternative
26 Dispute Resolution (ADR) Pilot Program. For cases referred to ADR,
27 counsel will be required to complete the ADR Questionnaire and file it
28 at the time the Joint Report is filed. Counsel will thereafter have the

option of completing a stipulation selecting the agreed-upon Settlement Officer, or having the Program Coordinator randomly select a Settlement Officer for the case.

b. **Cases not in the ADR Pilot Program:** In conformity with the Local Rules, counsel shall file the settlement procedure selection by the date given by the Court at the time of the Scheduling Conference. Available alternatives for consideration include:

- (1) a settlement conference before an available Magistrate Judge willing to conduct the conference. The parties are encouraged to request a Magistrate Judge from the civil consent list. Approval of a Magistrate Judge not on the civil consent list will be at the Court's discretion. Parties should contact the Courtroom Deputy Clerk, Roxanne Horan, at 213-894-1831, and provide the name of the requested Magistrate Judge. The Courtroom Clerk will then contact the requested Magistrate Judge's Courtroom Clerk to determine availability and dates. (Note: the Court does not participate in settlements of cases on its own docket);
- (2) a settlement conference or mediation before an attorney selected from the Attorney Settlement Panel (list available from the Court's Website);
- (3) the employment by the parties of a private judge, mediator or arbitrator.

7. **Discovery:** All discovery matters will be heard by Judge Kenton.

The decision of the Magistrate Judge shall be final.

8. **Motions:**

a. **Time for Filing and Hearing Motions:** Motions shall be

1 filed in accordance with Local Rule 7; the next available motion date
2 can be obtained from the Courtroom Deputy or the Filing Window. This
3 Court customarily hears motions on **Tuesdays, commencing at 10:00 a.m.**
4 Opposition and Reply Briefs, including all declarations and supporting
5 documentation, will be rejected if not timely filed in accordance with
6 the Local Rules. **No supplemental brief shall be filed without prior**
7 **leave of Court. Local Rule 7-10.**

8 Adherence to the timing requirements is essential for the Court's
9 preparation of motion matters.

10 **b. Pre-filing Requirement:** Counsel should take note of the
11 changes to the Local Rules affecting motion practice in the Central
12 District. Among other things, Local Rule 7-3 requires counsel to engage
13 in a pre-filing conference "to discuss thoroughly... the substance of
14 the contemplated motion and any potential resolution," and to confirm in
15 the notice of motion that such conference has taken place. Local Rule
16 7-3. Counsel should discuss the issues sufficiently that if a motion is
17 still necessary, the briefing may be directed to those substantive
18 issues requiring resolution by the Court. Counsel should resolve minor
19 procedural or other non-substantive matters during the conference.
20 **Failure to comply with Local Rule 7-3 and to set forth such compliance**
21 **in the notice of motion will result in the motion being vacated.**

22 **c. Length and Format of Motion Papers:** Memoranda of Points
23 and Authorities in support of or in opposition to motions shall not
24 exceed 25 pages. Replies shall not exceed 12 pages. Only in rare
25 instances and for good cause shown will the Court grant an application
26 to extend these page limitations.

27 **Typeface shall comply with Local Rule 11-3.1.1. NOTE:** If Times
28 Roman font is used, the size must be no less than 14; if Courier is

1 **used, the size must be no less than 12.** Footnotes shall be in typeface
2 no less than one size smaller than text size and shall be used
3 sparingly.

4 Filings that do not conform to the Local Rules and this Order will
5 not be considered.

6 **d. Courtesy Copies:** Counsel shall deliver a conformed
7 courtesy copy to all **reply** papers to Judge Kenton's chambers **by 4:00**
8 **p.m. on the date due.** Unless so ordered, please do not supply courtesy
9 copies of moving or opposition papers.

10 **e. Motions for Summary Judgment:** Before filing a motion for
11 summary judgment, counsel are strongly encouraged to review Chapter 14
12 of Schwarzer, Tashima & Wagstaffe, California Practice Guide: Federal
13 Civil Procedure Before Trial (1998). To assist the Court, the moving
14 party shall submit the required Statement of Uncontroverted Facts and
15 Conclusions of Law as set forth in Form 14:C. The opposing party shall
16 submit the required Statement of Genuine Issues as set forth in Form
17 14:D, responding first to each of the moving party's alleged
18 uncontroverted facts, then listing any material facts in dispute, and
19 citing to supporting evidence. **Note: Separate statements that fail to**
20 **comply with the above format will not be considered.**

21 **9. Proposed Orders:** Each party filing or opposing a motion or
22 seeking the determination of any matter shall serve and lodge a Proposed
23 Order setting forth the relief or action sought and a brief statement of
24 the rationale for the decision with appropriate citations. If the
25 Proposed Order exceeds two pages, the proposing party shall also submit
26 the document on a 3½-inch diskette compatible with WordPerfect 11.

27 **10. Telephonic Hearings:** The Court will conduct status conferences
28 by telephone if any party outside the district so requests and all

involved parties consent. The attorney requesting the telephonic hearing shall contact the Courtroom Deputy Clerk, Roxanne Horan, at 213-894-1831, at least one week prior to the date scheduled for the motion or conference to make the necessary arrangements.

A member of the Court's staff will place the conference call.

11. Ex Parte Applications: Counsel are reminded that ex parte applications are solely for extraordinary relief. See Mission Power Engineering Co. V. Continental Casualty Co., 883 F.Supp. 488 (C.D. Cal. 1995). Applications that fail to conform with Local Rules 7-19 and 7-19.1, **including a statement of opposing counsel's position**, will not be considered. The Court considers ex parte applications on the papers and usually does not set these matters for hearing. In addition to the requirements of Local Rules 7-19 and 7-19.1, counsel for the moving party shall serve opposing counsel by facsimile transmission and shall notify opposing counsel that opposition papers must be filed no later than 24 hours following such facsimile service. Counsel shall deliver a conformed courtesy copy of moving, opposition, or notice of non-opposition papers to Judge Kenton's chambers. The Courtroom Deputy Clerk will notify counsel of the Court's ruling or a hearing date and time, if the Court determines a hearing is necessary.

12. Continuances: Counsel requesting a continuance must lodge -- prior to the date to be continued -- a Proposed Stipulation and Order including a detailed declaration of the grounds for the requested continuance or extension of time. Local Rule 7-11. The Court grants continuances only upon a showing of good cause, focusing on the diligence of the party seeking the continuance and any prejudice that may result if the continuance is denied. Failure to comply with the Local Rules and this Order will result in rejection of the request

1 without further notice to the parties. **Proposed stipulations to**
2 **continue scheduling dates shall address the effect of such continuance**
3 **on any other dates previously set by the Court. Such stipulations do**
4 **not become effective unless and until signed by the Court. Parties**
5 **requesting conformed copies shall comply with Local Rule 11-4.5.**

6 **13. Communications with Chambers:** Counsel shall not attempt to
7 contact the Court or its chambers staff by telephone, letter, facsimile,
8 e-mail or by any other ex parte means. Local Rule 83-2.11. Counsel may
9 contact the **Courtroom Deputy, Roxanne Horan, at 213-894-1831**, with
10 appropriate inquiries. To facilitate communication with the Courtroom
11 Deputy, counsel should list their facsimile transmission numbers along
12 with their telephone numbers on all papers.

13 **14. Notice of this Order:** Counsel for Plaintiff shall immediately
14 serve this Order on all parties, including any new parties to the
15 action. If this case came to the Court by noticed removal, Defendant
16 shall serve this Order on all other parties. Enclosed is a Document
17 Imaging Enrollment Form for counsel to complete and return to the
18 address indicated on the form.

19
20 DATED: _____

VICTOR B. KENTON
UNITED STATES MAGISTRATE JUDGE